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SUBJECT: IRAQI ELECTION LAW UPDATE OCTOBER 17, 2009

REF: BAGHDAD 2787

Classified By: Acting Deputy Chief of Mission Gary A. Grappo for reasons 1.4(b) and (d).

¶1. (C) SUMMARY. While the Council of Representatives (COR) was out of session on October 17, it is clear that private discussions about the planned amendment to the election law continue among political leaders (Ref A). From the Ambassador's meeting with PM Nuri al-Maliki today (septel) to discussions with a Turkomen MP, most Iraqis indicate that a decision on voting rules for Kirkuk will be necessary to pass the law. On October 18, the COR is expected to continue its progress toward the third reading of a law, followed by a final vote no later than October 19. END SUMMARY.

State of Play

¶2. (C) President Talabani told the Ambassador on October 16 that Kirkuk must participate in the elections and that he supported elections on time in January. Both Talabani and KRG Prime Minister Barham Salih indicated that they would not object to the COR establishing a committee to review voter registration records for accuracy in provinces where there has been a marked increase in population since 2004. PM Salih pointed out that in addition to Kirkuk, places like Mosul, Karbala and Sammara have shown huge increases in population. He suggested, "We should not single out Kirkuk but look at all of the provinces."

¶3. (C) SRSG Ad Melkert told A/DCM October 16 that UNAMI's Electoral Assistance Team, which is embedded at the Independent High Electoral Commission (IHEC), has not yet seen a draft proposal for the amended law to be read in the COR this week. Melkert and A/DCM agreed that the COR needs to find a way forward that will enable Kirkuk to participate in the elections, in spite of continued divisions between Arabs, Turkomen and Kurds about who should be included on the voter registry. UNAMI technical advisors also noted concern that last-minute changes to the draft amendment that was first read on October 4 could result in parliamentarians endorsing a bill that is difficult or impossible for IHEC to implement on time. Finally, Melkert warned that a COR vote of no confidence in one or more IHEC commissioners could yet reappear in time to frustrate IHEC's work, even after a law is passed.

¶4. (C) MP Walid Muhammad al-Sherika, a Kirkuki and the only COR member from the Turkomen Brotherhood Party, told poloff that he seeks a solution to Kirkuk before an election law is passed. While he said he supports holding the elections on time, Sherika said he would rather delay passage of the law to allow more time for consensus, adding "We rush too many things in Iraq." Sherika said that he supports open list publicly, but privately prefers closed list, and a single, nationwide voting district. He also wants the requirements for parliamentarians to be set at 25 years of age with a high school degree; he claims that requiring candidates to hold a college degree discriminates against minorities who could not get an higher education under Saddam Hussein.

Next Steps

15. (C) As the COR returns to session tomorrow, all eyes will be on Speaker Ayad al-Samarra'i to watch how he advances the election legislation. We aim to meet with him again tomorrow, and poloffs will engage with parliamentarians throughout the day. At this point, everyone is looking for a copy of the draft amendment that the Legal Committee is expected to present to the COR within the next two days. We are also watching how the Kirkuk question will be addressed, whether it be memorialized in a written amendment to the election law, or otherwise accepted through establishment of a committee or other procedural effort.

GRAPPO